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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	
09/763,4	62 05/01	/01 CHARO		Ј	1430-264
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NIXON & VANDERHYE			QIAN.C		
1100 NORTH GLEBE ROAD 8TH FLOOR			ART UNIT	PAPER NUMBER	
ARLINGTO	N VA 22201	-4714		1633 DATE MAILED:	. 5

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Application No. CARO ET AL								
Examiner Examiner		Application No.	Applicant(s)					
Celine Cian		09/763,462	CHARO ET AL.					
The MALLING DATE of this communication appears on the cover shift the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Extension of other map be arabited under the provious of 3 FCR 1.13(e), in no over, towers, may a rophy be timely filled by the standard of the provisions of 3 FCR 1.13(e), in no over, towers, may a rophy be timely filled in the provision of Claims 4) □ Claim(s) 1.24 is/are pending in the application, 4a) Of the above claim(s) is/are allowed. 5) □ Claim(s) 1.24 is/are pending in the application, 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 1.24 are subject to restriction and/or election requirement. Application Papers 9) □ The proposed drawing correction filed on is/are vithdrawn from consideration. 10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The proposed drawing correction filed on is/are vithdrawn from provision of the proposed drawing correction filed on is an approved by the Examiner. 110 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 110 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application of cellarition is objected to by the Examiner. 1110 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. 1111 □ Credition of the priority documents have been received. 1111 □ Crediti	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. - Exterior of time may be available index the provision of 37 CPR 1.15(q). In no event, however, may a raply be time they lifted - If the period for reply is applied above, the rear-time statutory preciod online application is less than thing (30) days, a raply when the statutory mixing (30) days will be considered limely. - If NO period for reply is applied above, the rear-time statutory preciod onlinely period (5) (6) MOD/TIX from the realising time of the communication of the period online period for reply is applied on the statutory preciod onlinely period (5) (6) MOD/TIX from the realising time of the communication of the period online period online period for reply is applied to the communication. - Failure to reply when the act or detended period for reply is application from the realising time of the communication, count of the communication. - Failure to reply when the act or detended period for reply is application of the communication. - Failure to reply when the act or detended period for reply is application. - Failure to reply when the document of the communication of the communication of the communication of the communication of the communication. - Failure to reply is application in a condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - A) Claim (s) 1.24 is/are pending in the application. - 4) Of the above claim (s)		<u> </u>						
THE MAILING DATE OF THIS COMMUNICATION. Estanciano from empty be suitable under the provision of 3°CPR 1.18(e). In ne event, however, may a repty be timely filed after SIX (8) MCRTHS from the mailing date of this communication. If the period for empty is specified between 5°CPR 1.18(e). In ne event, however, may a repty be timely filed after SIX (8) MCRTHS from the mailing date of this communication, but within the datafory princival day and wite each 5°C (8) MCRTHS from the reliang date of the communication. Failure to repty within the set or extended princip for repty will, by statistic parties within the set of the reliang date of the communication, even if fixed from the reliang date of the communication, even if fixed from the reliang date of the communication, even if fixed from the reliang date of the communication, even if fixed from the relianged to the communication of the communication								
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period v. - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply within the statutory minimum of thirty (3 will apply and will expire SIX (6) MONTH cause the application to become ABAN	to be timely filed 10) days will be considered timely. 3 from the mailing date of this communication DONED (35 U.S.C. § 133).					
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DETAILED ACTION

Claims 1-23 are pending in the instant application.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-13 and 24, drawn to a method of vaccinating a mammal comprising administering to said mammal a vector encoding an antigenic peptide and a compound which stimulates both humoral and cellular immune responses, are classified in class 514, subclass 44.

Group II, claims 14-17, drawn to a vaccine composition comprising a nucleotide sequence which encodes for an antigenic peptide and a compound which will enhance both humoral and cellular immune responses in a mammal, are classified in class 536, subclass 23.1.

Group III, claims 18-23, drawn to either a compound or a process of make a medicament, are unclassifiable.

The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The special technical feature of groups I-III relates to the different use of the compound as an adjuvant and a medicament. In the invention of Group I, this special technical feature is the use of the compound as a DNA

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vaccine adjuvant over a course of time and dosage, and means of delivery. In the invention of Group II, the special feature is the use of the compound as part of the DNA vaccine composition. In the invention of Group III, the special technical feature is to use the compound to make a medicament. Each of these three special technical features involves diverse and separate area of consideration. For example, the use of the compound as a DNA vaccine adjuvant requires consideration of administering time schedule, dosage, means of delivery that will prevent a certain disease. The use of the compound in a medicament requires consideration of different administering schedule, dosage and means of delivery that will cure a disease. Therefore, although related, the three groups of inventions are not so linked by a special technical feature within the meaning of PCT Rule 13.2 so as to form a single inventive concept.

Claims 1-12, 14-16 and 18-24 are drawn to a plurality of 57 distinct inventions for each claim which do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reason: Each compound is chemically and structurally distinct from each other which does not constitute a general inventive group. Applicant should elect one compound for each of these claims.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37

CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Celine X Qian whose telephone number is 703-306-0823. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah J Clark can be reached on 703-305-4051. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Celine Qian, Ph.D. October 1, 2001

REMY YUCEL, PH.D
PRIMARY EXAMINER

REMY YUCEL, PH.D PRIMARY EXAMINER

Remepped